

## STATEMENT OF PURPOSE

### RS20068

This is one of a series of bills that the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the laws, as required under article V, section 25 of the Idaho Constitution. Idaho Code § 5-508 addresses the service of parties in civil actions who are out of state. It provides for service by publication and also states that the court, "if the address of the defendant outside of the state is known, may make an order that personal service of the summons may be made outside of the state in lieu of such publication." Idaho Code § 5-515, a later-enacted statute, permits service out of state on parties who are subject to the jurisdiction of the courts without a court order allowing such service. The language in Idaho Code § 5-508 misleads some lawyers into thinking they must obtain a court order before serving a defendant out of state. This amendment to Idaho Code § 5-508 would remove this confusion by providing that service on out-of-state parties subject to the jurisdiction of Idaho courts does not require a court order and may be made as provided in Idaho Code § 5-515.

### FISCAL NOTE

This bill would have no impact on the general fund.

#### Contact:

**Name:** Patricia Tobias  
**Office:** Administrative Director of the Courts  
**Phone:** (208) 334-2246